

## **REMARKS**

In view of the above amendments and the following remarks, reconsideration and further examination are requested.

Claims 1-3, 7, 8 and 21-24 have been rejected under 35 U.S.C. §112, second paragraph. Claim 1 has been amended so as to change the phrase “the audio data” to “the audio signal.” Claim 21 has been canceled without prejudice or disclaimer to the subject matter contained therein. Claim 23 has been amended so as to change the phrase “the moving image data” to “the moving image signal.” As a result, withdrawal of this rejection is respectfully requested.

Further, claim 22 has been amended to be dependent from claim 1 due to the cancellation of claim 21 and claim 24 has been canceled without prejudice or disclaimer to the subject matter contained therein.

In addition, claims 9, 13, 25 and 27 have been amended to make a number of editorial revisions. These revisions have been made to place the claims in better U.S. form. None of these amendments have been made to narrow the scope of protection of the claims, nor to address issues related to patentability and therefore, these amendments should not be construed as limiting the scope of equivalents of the claimed features offered by the Doctrine of Equivalents.

Claims 1, 7, 21 and 22 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Monroe (US 6,392,692) in view of Raskin (US 3,668,526) and Ichino (US 5,440,351). Claims 2, 3, 8, 23 and 24 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Monroe in view of Raskin and Ichino and further in view of Rostoker (US 5,793,416). Claims 9-13, 17 and 25-29 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Monroe in view of Raskin and Ichino and further in view of Strandwitz (US 6,522,352). Claims 14 and 15 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Monroe in view of Raskin, Ichino and Strandwitz and further in view of Rostoker.

Claims 1, 9, 13 and 25 have been amended so as to further distinguish the present invention over the references relied upon in the rejections. These amendments are supported at least at page 3, lines 17-21 and page 14, line 27 to page 15, line 7 of the original specification. It is submitted that the above-mentioned rejections are inapplicable to the amended claims for the following reasons.

Claim 1 is patentable over the combination of Monroe, Raskin and Ichino, since claim 1 recites a transmitter for transmitting at least one of a moving image and an audio signal to a communication terminal, the transmitter and communication terminal being within a building, the transmitter having, in part, a radio transmitting unit for directly transmitting a moving image signal that was compressed and coded in a moving image compressing coder, and an audio signal that was compressed and coded in an audio compressing coder, without using a network; and an audio output instructing unit for controlling an audio output unit to output an audio signal when a distance calculated based on a field strength of a radio wave transmitted from a communication terminal is shorter than a predetermined value and for controlling the radio transmitting unit to transmit the audio signal when the distance calculated based on the field strength is not shorter than the predetermined value. The combination of Monroe, Raskin and Ichino fails to disclose or suggest these features as recited in claim 1.

Monroe discloses a network communication system within a commercial airplane 10 to wirelessly communicate with a ground control tower 216 or a ground station 18 via a radio 80 or a LAN transceiver 280. The commercial airplane 10 can have a number of different sensors that can transmit images C1-Cn, audio 224, 226, 228, 113 or measurements 62, 230, 115 to the ground control tower 216 via the radio 80 or the LAN transceiver 280. All of the information detected by the sensors is transmitted to a multimedia multiplexer 232 where it is multiplexed. The airplane 10 also has a display monitor 54 where the images and measurements can be displayed to a pilot, a speaker 240 where the audio can be reproduced for a pilot, a recorder 70 where all of the information can be stored, and a data transceiver 76 that can transmit all of the information to the control tower 216 via the radio 80 or LAN transceiver 280. (See column 21, line 19 - column 22, line 60 and Figures 12C, 13 and 16).

Monroe does not disclose or suggest the first distinguishing feature of a transmitter having a radio transmitting unit for directly transmitting a moving image signal that was compressed and coded in a moving image compressing coder, and an audio signal that was compressed and coded in an audio compressing coder, without using a network, to a communication terminal, the transmitter and the communication terminal being within a building. Instead, Monroe discloses that the LAN transceiver 280 is within the airplane 10 and that the ground control tower 216 and the ground station

18 are buildings that are separate from the airplane 10, and that the LAN transceiver 280 relies on a network to transmit data. (See Figures 4a, 4b and 12a-12c). Further, Monroe does not disclose or suggest the second distinguishing feature of an audio output instructing unit for controlling the speaker 240 to output an audio signal when a distance calculated based on a field strength of a radio wave transmitted from the control tower 216 is shorter than a predetermined value and for controlling the radio 80 or the LAN transceiver 280 to transmit the audio signal when the distance calculated based on the field strength is not shorter than the predetermined value.

It is apparent that Monroe, which is one of the references relied upon in the combination as rendering claim 1 unpatentable, is deficient in disclosing or suggesting the above-discussed first and second features recited in claim 1. Therefore, Raskin and/or Ichino, which are also relied upon in the combination, must disclose or suggest these features in order for the combination to render claim 1 unpatentable. However, as will be discussed below, neither of these references discloses nor suggests these features.

Raskin discloses a system in which signals can be sent between an antenna 11 of a police station 10 and an antenna 13 of a police vehicle 12. The police vehicle 12 also has a transceiver 25, an outside speaker 14, a siren 15, revolving top lights 16, spotlights 17 and a second antenna 18. The second antenna 18 is used for communication with a remote transmitter 21 having an antenna 22 that can be carried by a police officer 20. The remote transmitter 21 includes a microphone 34, a push-to-talk switch 35 and a frequency select switch 36.

The system operates such that when the officer 20 is outside of the vehicle 12 and needs to communicate with the police station 10, the push-to-talk switch 35 on the remote transmitter 21 is depressed. Once the push-to-talk switch 35 is depressed, the remote transmitter 21 sends a signal to the transceiver 25 in the vehicle 12 which relays the signal to the police station 10. The remote transmitter 21 also has another feature in that should the officer 20 face a dangerous situation, the select switch 36 can be switched which sends a distress signal to the transceiver 25 in the vehicle 12 which triggers the siren 15, revolving top lights 16 and spotlights 17 to scare away the person endangering the officer 20. (See column 2, line 30 - column 4, line 71 and Figures 1 and 2).

Ichino discloses a television that contains a circuit which is capable of automatically comparing the strength of a FM simulcast signal with the strength of a television audio signal and

automatically selecting the stronger of the two signals for output without user intervention. (See column 2, lines 10-38).

In comparing Raskin and Ichino to the first distinguishing feature of claim 1, Raskin discloses that the remote transmitter 21 is carried by the officer 20 when he/she is outside of the vehicle 12, the police station 10 has a transceiver for communicating with the transceiver 25 within the vehicle 12, and the transceiver 25 acts as an intermediary between the remote transmitter 21 and the police station 10. Further, Ichino discloses a television that contains a circuit that selects the stronger of a television signal and a FM simulcast signal to output as audio. However, claim 1 recites a transmitter having a radio transmitting unit for directly transmitting a moving image signal that was compressed and coded in a moving image compressing coder, and an audio signal that was compressed and coded in an audio compressing coder, without using a network, to a communication terminal, the transmitter and the communication terminal being within a building. In Raskin, since only a transceiver located in the police station 10 is located within a building, while the transceiver 25 and the remote transmitter 21 are in the vehicle 12 and on the officer 20, respectively, it is apparent that Raskin fails to disclose the first distinguishing feature of claim 1. As for Ichino, it is also apparent that Ichino fails to disclose or suggest the first distinguishing feature of claim 1.

As for the second distinguishing feature of the audio output instructing unit, the Office Action maintains that the combination of Monroe, Raskin and Ichino discloses this feature. However, this assertion is again respectfully traversed. Claim 1 recites that the audio output instructing unit controls an audio output unit to output an audio signal when a distance calculated based on a field strength of a radio wave transmitted from a communication terminal is shorter than a predetermined value and for controlling a radio transmitting unit to transmit the audio signal when the distance calculated based on the field strength is not shorter than the predetermined value. In other words, the audio output instructing unit selects whether the audio output unit outputs the audio signal or the radio transmitting unit transmits the audio signal based on the field strength of the radio wave transmitted from the communication terminal.

In the rejection, as discussed above, the speaker 240 of Monroe is relied upon as corresponding to the audio output unit and the radio 80 or the LAN transceiver 280 of Monroe is relied upon as corresponding to the radio transmitting unit. However, Monroe fails to disclose or

suggest any device that makes a determination as to which of the speaker 240 or the LAN transceiver 280 (radio 80) should output an audio signal or how such a determination would be made. Therefore, Monroe fails to disclose or suggest the audio output instructing unit as recited in claim 1, as is admitted in the rejection. As a result, Raskin and/or Ichino need to disclose or suggest the audio output instructing unit as recited in claim 1 in order for the combination of these references to render claim 1 unpatentable.

Raskin, as also discussed above, discloses that the vehicle 12 has the transceiver 25 and the speaker 14 by which an audio signal can be transmitted or output, respectively. In this regard, the transceiver 25 appears to correspond to the audio output unit of claim 1 in a fashion similar to the LAN transceiver 280 (radio 80) of Monroe and the speaker 14 appears to correspond to the radio transmitting unit of claim 1 in a fashion similar to the speaker 240 of Monroe. However, again, Raskin fails to disclose or suggest any device that makes a determination as to which of the speaker 14 or the transceiver 25 should output the audio signal or how such a determination would be made. Therefore, it is apparent that Raskin fails to cure the defect of Monroe of not disclosing or suggesting the audio output instructing unit as recited in claim 1. As a result, Ichino must disclose or suggest the audio output instructing unit as recited in claim 1 in order for the combination to render claim 1 unpatentable.

Ichino discloses a television that contains a circuit which is capable of automatically comparing the strength of a FM simulcast signal with the strength of a television audio signal and automatically selecting the stronger of the two signals for output. In other words, Ichino discloses a device that compares two signals and outputs the stronger of the two signals. In the discussion of Ichino on pages 11 and 12 of the Office Action, it is indicated that “the critical issue at hand is that Ichino teaches the use of field strength detectors for measuring radio waves and the selection of audio based on such detected result.” However, Ichino discloses the selection of one of two audio signals based on signal strength and does not disclose or suggest the selection of controlling an audio output unit or a radio transmitting unit based on signal strength, which is recited in claim 1 regarding the audio output instructing unit. As a result, combining the teaching of Ichino of the selection of one of two audio signals based on signal strength with the transceiver 25 and the speaker 14 of Raskin and/or the LAN transceiver 280 (radio 80) and the speaker 240 of Monroe still fails to provide any

disclosure or suggestion of selecting between the transceiver 25 and the speaker 14 of Raskin and/or the LAN transceiver 280 (radio 80) and the speaker 240 of Monroe. The 'selection' taught in Ichino is completely different from what is recited for the audio output instructing unit. Therefore, the combination of these three references does not disclose or suggest the audio output instructing unit as recited in claim 1.

As discussed above, none of the three references, either individually or in combination, discloses or suggests the two distinguishing features recited in claim 1. As a result, the combination of Monroe, Raskin and Ichino fails to disclose or suggest the present invention as recited in claim 1.

In sections 4-6 of the Office Action, (1) Rostoker and (2) Strandwitz are relied on as disclosing (1) a wireless system for communicating video, audio and data signals over a narrow bandwidth and (2) audio decoders, respectively. However, even if these references do, in fact, disclose these features, neither of the references discloses nor suggests the two distinguishing features of claim 1 discussed above.

As for claims 9, 13 and 25, these claims are patentable over the references relied upon in the rejections for similar reasons as set forth above in support of claim 1. That is, claims 9, 13 and 25, like above claim 1, recite, in part, (1) either (a) a communication terminal and a portable display terminal, or (b) a transmitter and a portable display terminal, that are within a building and directly transmit and/or receive information without using a network; or (2) one or both of (a) an audio output instructing unit, and (b) an audio output determining unit, which features are not disclosed or suggested in the references.

In addition, claims 2, 3, 14, 15 and 23 are also patentable over any combination of the references relied upon in the rejections, since these claims each recite, in part, when the audio output instructing unit controls the audio output unit to output the audio signal, an audio compressing coder lowers a compression rate of a moving image compressing coder to transmit moving image data. None of the references discloses or suggests this feature recited in claims 2, 3, 14, 15 and 23.

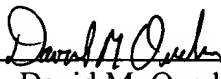
Because of the above-mentioned distinctions, it is believed clear that claims 1-3, 7-15, 17 and 22, 23 and 25-29 are allowable over the references relied upon in the rejections. Furthermore, it is submitted that the distinctions are such that a person having ordinary skill in the art at the time of invention would not have been motivated to make any combination of the references of record in such

a manner as to result in, or otherwise render obvious, the present invention as recited in claims 1-3, 7-15, 17 and 22, 23 and 25-29. Therefore, it is submitted that claims 1-3, 7-15, 17 and 22, 23 and 25-29 are clearly allowable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that there are issues remaining which must be resolved before allowance of the application.

Respectfully submitted,

Hisakazu KOBAYASHI et al.

By:   
David M. Ovedovitz  
Registration No. 45,336  
Attorney for Applicants

DMO/jmj  
Washington, D.C. 20006-1021  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
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